



Argeo Paul Cellucci
Governor
Jane Swift
Lt. Governor
William O'Leary
Secretary
Barbara Jean Wood
Commissioner

Fall 2000

MCDHH NEWS

A Publication of the Massachusetts Commission for the Deaf and Hard of Hearing

Communication Access: It was just a Walk in the Park

By Carole Rossick, Assistive Technology Specialist

Have you ever wondered what a nature interpreted walk is all about? Chris Porter and Carole Rossick, from the CATTS Department, had the opportunity to find out more for our readers.

We were staffing an access table for MCDHH at Dunn State Park in Gardner. This was the host site of the Massachusetts Office on Disability (MOD) celebration of the ten-year anniversary of the Americans with Disabilities Act (ADA). The day included speeches by local and state dignitaries, public demonstrations of accessible recreational activities, music and artistic works by performance artists with disabilities, and interpreted nature walks lead by the Dunn Park staff. The Department of Environmental Management (DEM) oversees the parks and recreational opportunities across the state. Their Universal Access team focuses upon ways to enhance these programs, services and facilities, and trains the park staff how to assist people with disabilities to fully enjoy these beautiful surroundings. During this day's events, MCDHH provided additional FM Assistive Listening System for use at the main stage, and other components to supplement what the DEM had available for the walks. MCDHH also provided a portable TTY (Text Telephone) for use at a hearing amplified pay phone, copies of various song lyrics, and the use of American Sign Language interpreters as needed.



rowing on the pond
courtesy of DEM

We met up with Joanna Heron, who was the Park Guide for the day. She was prepared to take us on an interpreted tour of the park trails. Prior to the walk, we had the opportunity to review several pages of a typed transcript, which was placed in protective plastic sleeves. The transcript contained some observations and quotes from famous people regarding nature and the environment. These remarks are often shared orally by the park guide with their tour groups.

Since ASL interpreters were not available at the end of the day, Joanna provided a pad of paper and pen for Chris, and wore a microphone for Carole who relies on an FM Assistive Listening System.

As we started up one of the trails, two women joined us. They regularly visit the park and were eager to share their knowledge with us. We learned about the history behind Dunn Park's existence, the type of vegetation that naturally grows here, how park staff helps maintain nature's balance in the ecosystem and how to enjoy other natural wonders in the area.

During a nature interpreted walk, your park guide helps you notice what you can see, hear and smell, and answers your questions. You too can sign up to participate in an interpreted nature walk at one of our state parks, and request the use of an FM ALS, or an ASL Interpreter, or other accommodations provided by DEM. Be sure to contact them in advance to make arrangements.

Please visit and enjoy the park in your area and thank them for making communication access just "a walk in the park". ■

This Issue...

Communication Access: 'It was just a Walk in the Park'
...page 1

Upcoming Event: Celebration 2000
What is it?
...page 1

Commissioner's Corner: Challenges, Opportunities, and Goals
...page 2

Legislative and Regulation Updates
...page 2

Celebration 2000 Flyer...Read & Fill out
...page 3

Chairman Kennard, OFCC on "Curb Cuts on Information Highway"
...page 6

ADA and the 11th Amendment...and United States Supreme Court
...page 6

New MCDHH Webpage...Sneak Preview
...page 6

Survey of Services
...page 7

New Brochure Developed.
...page 8

Upcoming Event: Celebration 2000

By Jon O'Dell, CATTS Director, and Chris Porter, Communication Access Specialist

On October 20th and 21st, the Bayside Expo Center will be the site of "Celebration 2000", a 10 year anniversary celebration commemorating the passage into law of the American with Disabilities Act in 1990. The event will feature a Career Fair for Individuals with Disabilities, an art show, and several seminar tracks focusing on workplace accessibility and other employment issues that will run on both days.

Many private and public employers from the fields of Education, Health, Finance, Technology and Human Services, will be showcasing their organizations. Whether you are looking for a job, a mid-career change or advancement, this is the place to meet and impress potential future employers.

Please see our flyer for more information. Whether you are an employer or an employee, "Celebration 2000" is the place to be! ■

Regulation and Legislative Update: September 19, 2000

By Jeannine Dusombre, Legal Counsel to the Commissioner

Here is MCDHH's Regulation and Legislative Update:

1. The Department of Education (DOE) held Public Hearings on proposed changes to its regulations that impact the roles of public school districts and providers of educator preparation programs. MCDHH provided information to Department to help ensure the deaf and hard of hearing students get the same educational opportunities in schools and programs available to every student.

MCDHH urged DOE to include licensure for an educational interpreter and commented on what is necessary to establish a route for such licensure. MCDHH also urged the Department to adopt the requirement that teachers of deaf and hard of hearing students be able to demonstrate a proficiency in communication with the students in the their preferred communication mode.

The comments were focused on remedying DOE's current lack of educational quality assurance omission for the education of deaf or hard of hearing students.

The proposed regulations are 603 CMR 7.00 and are available from the DOE web site.

Legislation:

2. SPECIAL EDUCATION BILLS OF INTERESTS and other related information on the Final Budget:

Continued on p. 5

Commissioner's Corner

By Barbara Jean Wood, MCDHH Commissioner

A new fiscal year brings with it new challenges and opportunities. MCDHH commissioned a report on services for people who are hard of hearing and/or late deafened to study the feasibility of a one-step "Hearing Loss Center" as a means of improving services. The substantial report delivered to MCDHH as a result of this inquiry, however, called not for the establishment of a HLC but for evaluation of the existing provider network and for increasing MCDHH's outreach efforts to make inroads into these populations. I have appointed an in-house committee consisting of members from the program and administrative department to conduct this evaluation. The program section has also prepared a plan to increase awareness of our services and reach out to the consumer population throughout the Commonwealth: a multifaceted approach to dealing with access and service delivery.

And more opportunities: our focus this year will be on health care access for people who are Deaf or hard of hearing. Providers and staff need to know about communication access, both how it works and why it is needed. Consumers also need to be continually educated on their rights and how the health care system works - an educated consumer who can self-advocate is the best assurance of quality health care provision.

The Interpreter/CART Services automated referral system will be fully operational this year. We also hope that close cooperation between CART (Communication Access Real Time Translation) providers and MCDHH on issues such as new contract rates and an increased emphasis on training will continue to improve the availability of this valuable and important service.

Our work plan for the next two fiscal years is in place, and first quarter reports will be coming due soon. The goals have been set, and we are redoubling our already very focused efforts to serve the needs of citizens who are Deaf, hard of hearing or late deafened.

Finally, I would like to encourage all readers of this publication to attend Celebration 2000, an event held on October 20th and 21st at the Bayside Expo Center to commemorate the 10 - year anniversary of the Americans with Disabilities Act. More information on this event is inside this newsletter and can also be found on our website. I look forward to seeing you there, and invite you to pay a visit to the MCDHH exhibit. ■



**MASSACHUSETTS COMMISSION FOR
THE DEAF AND HARD OF HEARING**

Invites you to participate in...



**October 20-21, 2000
9:00am to 5:00pm**

**THE LARGEST CAREER FAIR IN
NEW ENGLAND FOR INDIVIDUALS
WITH DISABILITIES**

Celebration 2000 is a two day event being held to mark the 10th anniversary of the Americans with Disabilities Act. The Celebration will include a CAREER FAIR to advance the employment of people with disabilities, at which dozens of employers will showcase their companies and employment opportunities. It will also feature an art show presenting the works of artist with disabilities, as well as two-day seminars on a variety of topics relating to employment and individuals with disabilities. Additionally, attendees will be able to visit ABILITIES EXPO 2000 show for Assisted Living Products & Services, which is being held at the same location.

Admission is free.



Sponsored by the
Commonwealth of
Massachusetts



Celebrating 10 Years of ADA Achievements

October 20-21, 2000

Bayside Exposition & Conference Center
Boston, Massachusetts

Place
Stamp
Here

**MASSACHUSETTS COMMISSION
FOR THE DEAF & HARD OF HEARING
Department of Interpreter/CART Services
210 South Street, Fifth Floor
Boston, Massachusetts 02111**

Attn: Intake

WHERE:

**Bayside Exposition and
Conference Center.**
200 Mount Vernon Street
Boston, Massachusetts 02151

Sample Seminars Offered:

- Leveraging Access to Computers and Information for Persons with Vision Related Disabilities
- A Good Supervisor Makes All the Difference: A Closer Look at Support Systems of Working Women with Disabilities.
- Where are all the Qualified Employment Candidates? Opportunities to Become Involved in Vocational Rehabilitation
- Breaking Down the Barriers to Employment for Consumers with Mental Illness
- Department of Mental Health and the Work Opportunity Tax Credit (WOTC)
- Engaging Community Resources to Increase Employment Opportunities for Individuals with Disabilities
- Making Your Workplace Accessible to Employees with Disabilities

TO LEARN MORE...

Call MRC toll free at

1-877-589-5329 (voice/TTY)

EMPLOYERS: If you are interested in purchasing exhibit space, visit:
<http://www.state.ma.us/mrc/celebration2000.htm>

JOB SEEKERS:

Visit the Celebration website at
<http://www.state.ma.us/mcdhh/eohhs/celebration2000.htm>

Participating/Sponsoring Entities:

- Executive Office of Health & Human Services
- Mass. Rehabilitation Commission
- Mass. Commission for the Blind
- Mass. Commission for Deaf & Hard of Hearing
- Department of Public Health
- Governor's Commission on Employment of People with Disabilities
- Department of Mental Health
- City of Boston
- Social Security Administration

Please tear/cut along the line, fold, tape closed, and return the **below** portion to MCDHH.

tear here

Accommodations Request

Mail or Fax to 617-695-7629

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

please circle: TTY or Voice

**Please respond
by October
13th.**

I request:

Interpreter/Transliterators Services

- ☐ American Sign Language Interpreter
- ☐ Deaf-Blind Interpreter - Tactile
- ☐ Deaf-Blind Interpreter - Close Vision
- ☐ Oral Transliterators
- ☐ CDI
- ☐ Other: _____

please specify.

Assistive Listening Devices

- ☐ FM System
- ☐ **CART Service***

***Disclaimer:** We will make every reasonable effort to provide the requested accommodations. Due to large number of people who are expected to attend, we cannot guarantee total coverage. CART Service, which provides visual transliteration of spoken English, will be present at individual workshops and may also be available for individual appointments as time permits.

This mailing is being sent to consumers who have been identified as being Deaf or have a hearing loss. If the accommodations listed above do not meet your needs, please contact Christine Coleman Farris at (617) 262-3387 or email Cfarris@mpwi.org

Seminars Offered: (please check)

- ☐ Leveraging Access to Computers and Information for Persons with Vision Related Disabilities (Oct. 20 - 9:30am)
- ☐ Ticket to Work and Work Incentive Improvement Act (TWWIIA) (Oct. 20 - 3pm)
- ☐ A Good Supervisor Makes All the Difference: A Closer Look at Support Systems of Working Women with Disabilities. (Oct. 21 - 11am)
- ☐ Where are all the Qualified Employment Candidates? Opportunities to Become Involved in Vocational Rehabilitation (Oct. 20 - 3pm)
- ☐ Breaking Down the Barriers to Employment for Consumers with Mental Illness (Oct. 20 - 1:30pm)
- ☐ Department of Mental Health and the Work Opportunity Tax Credit (WOTC) (Oct. 20 - 11am)
- ☐ Engaging Community Resources to Increase Employment Opportunities for Individuals with Disabilities (Oct. 20 - 1pm)
- ☐ Department of Public Health: Developing and Implementing an ADA Plan (Oct. 21 - 9:30am)
- ☐ Employer to Employer Panel (Oct. 20 - 9:30am)
- ☐ Employer to Consumer Panel (Oct. 21 - 9:30am)
- ☐ Making Your Workplace Accessible to Employees with Disabilities (Oct. 21 - 11am)

For Seminar Descriptions, please look up
www.state.ma.us/mcdhh/eohhs/celebration2000.htm

Regulation and Legislative Update *Continued from page 2*

a) The three major special education reform bills, S. 208, S. 309, H.2678 and the "Education Bill of Rights for Deaf and Hard of Hearing Students (H. 2865) have yet to be reported out of the Education Committee.

Last week, MCHHH met with Senator Robert Antonioni, Representative Patricia Jehlen, and the Chief of Staff from the House and Senate Education Committees to discuss and answer questions or concerns of H. 2865, which specifically addresses the education of children who are deaf or hard of hearing and why such a bill is necessary to ensure the education of deaf and hard of hearing students.

b) Lawmakers approved a major overhaul of Chapter 766, our state special education law in July. A brief summary of some of the changes to the Massachusetts Special Education as a result of the Commonwealth's new FY 2001 budget include the following:

- i) Change from "maximum feasible benefit" to the federal standard of "free and appropriate public education" will go into effect **January 1, 2002**
- ii) All school districts must establish Parent Advisory Councils (PACs) on special education
- iii) Requires Board of Education to maintain former regulations regarding:
 - 45 day timeline for development of IEPs
 - IEP team must determine specific placement for a child with a disability
 - Transportation protections and requirements
 - Extended day programs
 - Parent consent and native language requirements
 - Parents' right to observe programs
 - Program and safety requirements for private special education schools
 - Protections regarding special education facilities
 - Content of evaluation requirements
 - Waiver provisions
- iv) Schools must consult with parents about evaluators being used and the content of evaluations
- v) Requires school districts to hold annual parent/student rights workshops in cooperation with local PAC.
- vi) Requires school districts to implement curriculum accommodation plans to help ensure all efforts have been made to meet students' needs in regular education.
- vii) Parents may share in costs of independent evaluations according to a sliding fee schedule. Families with incomes under 400% of poverty, or \$68,000 for family of four, maintain current rights to free independent evaluations.
- viii) Mandates the Board of Education to promulgate jointly with the departments of mental health, mental retardation, public health, social services and youth services, the Massachusetts Commission for the Blind and the Commission for the Deaf and Hard of Hearing, regulations regarding educational programs for children with disabilities.
- ix) Allows a hearing officer to direct a state agency to provide services to a child, consistent with the regulations of that agency.

Beginning in July 2002, the state assumes more of the costs for special education with the exception of private schools enrolling hearing-impaired students.

Other Bills of Interest include:

Senate 87 An Act Requiring the Posting of Signs Warning of the Danger of Exposure to Amplified Sound in Health was placed in a study.

Senate 138 An Act Relative to Annoying Communications was placed in a study order.

Senate 394 An Act to Provide Greater Consumer Protection Powers to Boards of Registration was recommended for passage and referred to the Senate Committee on Ways and Means

S. 1881 Bill to support citizens with disabilities and their families was referred to the Senate Committee on Ways and Means

H. 458 An Act to ensure Health Coverage for Certain Durable Medical Equipment to the House Committee on Ways and Means

H. 1965 An Act to Provide Health Care Plans & Policies Shall Cover Payment for Costs Arising From Speech, Hearing and Language Disorders

H. 2902 An Act to Support Citizens With Disabilities and Their Families was adopted into a new bill, H. 5170 and on 07/31/00 was passed to be engrossed into law. ■

Chairman Kennard, OFCC on “Curb Cuts on Information Highway”.

By James O'Donnell, Deputy Commissioner for Policy & Programs

Chairman Kennard of the Federal Communication Commission gave the keynote address at the National Association of the Deaf on July 3, 2000. Chairman Kennard strongly supported access by people with disabilities to the “virtual world” of computers, the Internet, telecommunications and electronic media.

As the Chairman put it: access to this world means building the first curb cuts on the information highway.

He cited examples such as:

- Access to interactive voice menus and voice mail
- Faster, more effective text-based relay service
- Emergency broadcast captioning when local and national disasters strike
- Broader, clearer captioning of programs
- 711 as a nationwide relay access number
- Internet must be “friendly” to deaf users

Accessibility, Chairman Kennard noted, is also a matter of attitude. Boundaries need to be broken down by people with disabilities: “Nothing about us without us.” ■

SNEAK PREVIEW...

Coming in 2001...New MCDHH Website



ADA and the 11th Amendment

By James O'Donnell, Deputy Commissioner for Policy & Programs

In October of this year, the U.S. Supreme Court is scheduled to hear arguments on Garrett v University of Alabama on an issue presenting the most serious legal challenge to the American with Disabilities Act since it became law in 1990.

In Garrett and a companion case, Ash v Alabama Department of Youth Services, the Court will decide whether the Eleventh Amendment to the Constitution - which allows states to be immune from private suits - renders Title II of the ADA unconstitutional. Both cases involve discrimination based on disabilities (cancer and asthma respectively). Both plaintiffs sued under ADA's Title II, which subjects states to its employment and access provisions. Motions to dismiss based on the Eleventh Amendment were granted at the District Court level, the dismissals were later reversed on appeal to the Circuit Court and the cases are now going before the Supreme Court.

Laws such as the ADA are normally issued under the Fourteenth Amendment, which requires equal protection under the law and allows Congress to set out laws which remedy a broad wrong, such as discrimination. There must be a clear intent to abrogate the states' immunity from private suits such as Garrett.

The Supreme Court has struck down other congressional laws as they apply to states, such as the Religious Freedom Restoration Act and Patent Protection Act, making them invalid under the Eleventh Amendment. This Court has looked favorably on this Amendment recently and also ruled in Sutton v United Airlines in 1999 that the definition of “disability” under the ADA should be qualified to allow for mitigating factors such as glasses or medicine. These cases are not helpful to preserving the scope of the ADA and Garrett could result in the states' being freed from the force of this law prohibiting discrimination in their employment policies and programs.

Disability groups plan a protest on October 3rd to emphasize their support of the existing law. This case deserves careful attention as the Court proceeds. ■

Visit our Website:

<http://www.state.ma.us/mcdhh>

Our Email:

MCDHH.Office@state.ma.us

Survey of Services

Developed by James O'Donnell, Deputy Commissioner for Policy & Programs

Your Opinion Counts on Services for People who are Hard of Hearing or Late Deafened

This survey was designed to educate us about which technologies and services matter most to you, the consumer. People who are hard of hearing or late deafened use – and/or need – a range of equipment and services, from being fitted with hearing aids to training in American Sign Language. Which of these are most important to you?

Please rank the following listings of equipment and services on a scale of 1-5 in which 1 is *most* important and 5 is *least* important to you. You may rate several different items similarly. Then, please indicate to us in the “available/not available” column whether in your experience these services or equipment are readily available to you by putting either A or N/A in the appropriate space

Example:

Rate / Availability

Hearing Aids- personal amplification devices worn in the ear and fit by audiologists and hearing aid dispensers.

1 / A

| Questionnaire: Services | Score | <u>A</u> Available / <u>N</u> Not Available |
|--|--------------|--|
| Auditory and Communication Assessment Evaluation following hearing loss | | |
| Funding for Hearing Aid purchase | | |
| Hearing Aid Orientation: acclimatization, expectations, troubleshooting | | |
| Training of family members on hearing loss issues, including improved communication skills | | |
| Communication Training - speech reading and/or auditory comprehension | | |
| Assertiveness Training and Coping Skills | | |
| Demonstration and training in use of Assistive Technology | | |
| Funding of Assistive Technology | | |
| Emergency support services following traumatic hearing loss | | |
| Education on hearing loss, including courses, literature, and videotapes | | |
| Local resources on hearing loss: ENT's, audiologists, hearing aid specialists | | |
| Support Groups - ALDA, SHHH, Minuteman Implant Club | | |
| MCDHH staff or services in your area | | |
| PLEASE WRITE YOUR ZIP CODE HERE: _____ - _____ | | |

Please send the completed survey to: **MCDHH**
Policy & Programs
 210 South Street, Fifth Floor
 Boston, MA 02111
 or Fax to **(617) 695-7599**

**Thank you for helping us
improve our services!**

New Brochures Developed

By Jonathan O'Dell, CATTS Director

MCDHH has recently added several new brochures to its comprehensive information series, and has brought up to date the popular “*Guide for People Who Become Deaf or Severely Hard of Hearing*”. Two of the new brochures focus on the unique needs of children who are born Deaf or hard of hearing and the services provided to them and their families by MCDHH. Another focuses on “Communication Access Realtime Translation”, an invaluable service that provides communication access to late deafened people who do not benefit from amplification and do not know sign language. Existing brochures cover topics as diverse as *Hearing Aid Technology and Hearing Loss*, *Communication Strategies*, *Assistive Listening Systems*, and *Information*



Brochures available now

Courtesy of CATTS

for *Professionals About Hearing Loss*. To request brochures, please call Ray Reed at (617) 695-7500 Voice or (617) 695-7600 TTY, or e-mail us at MCDHH.Office@state.ma.us and leave us your name and mailing address.

Subscription Form for Newsletter

☐ **For NEW SUBSCRIPTIONS, Check here.**

NAME:

ADDRESS:

CITY:

STATE:

ZIPCODE:

EMAIL ADDRESS:

Do you want to continue to receive MCDHH News by mail?:

☐ **YES**

☐ **NO** (Checking “no” will remove you from our mailing list).

Would you prefer to read MCDHH News on the Website?

☐ **YES**

☐ **NO**

We appreciate your helping us to reduce our mailing costs by completing this form and the survey and returning both to us. Thank you!

MCDHH

210 South Street

Fifth Floor

Boston, MA 02111